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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/814,662

03/31/2004

Naoki Naruse

9683/183

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79510

7590

12/12/2008

NTT Mobile Communications Network I/BHGL

P.O. Box 10395

Chicago, IL 60610

EXAMINER

POLTORAK, PIOTR

ART UNIT

PAPER NUMBER

2434

MAIL DATE

DELIVERY MODE

12/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/814,662	Applicant(s) NARUSE ET AL.	
	Examiner PETER POLTORAK	Art Unit 2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-16 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-16 and 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/24/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/17/08 has been entered.

Response to Arguments

2. In light of applicant amendments and arguments the objections and 35 USC § 103 art rejections cited in the previous Office Action are withdrawn. In particular, in the rejections, either the second file does not contain data indicating a location where a program, which is contained in the first file and run in the communication device, is stored or the first, the second and the third files are not separate from one another as currently required by the amended claim language.

However, it is noted that applicant did not offer the support for the newly introduced limitations and because the examiner was not able to find the support in the specification teaching the first, the second and the third files being separate from one another, the newly introduced limitations are subject to 35 USC § 112 rejection (see below).
3. Claims 1, 7-16 and 18-28 have been examined.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Information Disclosure Statement

4. The IDS received on 9/24/08 has been entered and entries included within have been considered. The examiner was not able to find the Kawaguchi's reference cited as D29. However, it is assumed that this reference correspond to the document with three English pages, wherein the first line: "Partial Translation of Citation 1" of the first page is followed by "Main Text from Page 150" in line 2, followed by a Japanese document, since no corresponding entry to this document has been found in the IDS. If the assumption was incorrect, applicant should submit/re-submit the Kwaguchi's reference and clarify which entry in the submitted IDS the document comprising "Partial Translation of Citation 1" refers to.

Objections

5. Claim 18 is objected to because "second file" cited in line 7 (pg. 5) should be "the second file".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. Claims 1, 7-16 and 18-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains

subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner was not able to find the support for "the first, the second and the third file being separate from one another", as cited in the independent claims 1 and 18.

Appropriate correction is required.

Conclusion

The closes relevant teaching of Angelo (USPUB 2003/0061487) in view of Fegghi (Jalal Fegghi, Jalil Fegghi, Peter Williams, "Digital Certificates Applied Internet Security, 1999, ISBN: 0201309807) although teaching majority of the limitations of newly presented independent claims 1 and 18 (see the previous Office Action), the teaching does not disclose that the second file contains data indicating a location where a program, which is contained in the first file and run in the communication device, is stored.

Additionally, NTT DoCoMo ("NTT DoCoMo, Inc., "i-mode Java Content Developer Guide-Functional Descriptions", Release 1.1, May 14, 2000) and Lin (USPN 6766353) found to be relevant prior art. However, they do not disclose receiving separate (from one another) a first/second and third file as cited in the independent claim language, wherein an application data in the first file if the application data is verified using the application validity data in the second file and if it is determined that the second file is valid, as described in the independent claims 1 and 18.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER POLTORAK whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peter Poltorak/

Examiner, Art Unit 2134

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434